



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,143	12/23/2003	Thomas M. Schaub	11884 / 406701	7478
23838 7590 05/30/2008 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005				
EXAMINER SEE, CAROL A				
ART UNIT 3696		PAPER NUMBER		
MAIL DATE 05/30/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,143

Applicant(s)

SCHAUB ET AL.

Examiner

Carol See

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 8, 9, 14 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 10-13, 15-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to Applicant's Arguments/Remarks filed on 2/4//2008, Examiner's objection to claims 6-16 and 21 has been withdrawn because Applicant has spelled out the acronym as requested.
2. Examiner acknowledges Applicant's amendments to claims 6-7, 10-12 and 16-18.
3. Examiner further acknowledges Applicant's withdrawal of claims 1-5 as directed to a non-elected invention, withdrawal of said claims and initial selection of claims 6-21 for examination, having been made with traverse.
4. Examiner further acknowledges cancellation of claims 8, 9, 14 and 20.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 10, the recitation "the revenue calculation" lacks sufficient antecedent basis in the claim. Further, the meaning of the phrase is unclear. In addition, the meaning of the phrase "determining whether the revenue calculation for any control

Art Unit: 3696

objects addresses the proposed posting” is unclear. Examiner interprets as
“determining if a proposed transaction exceeds a set revenue amount.”

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (U.S. 6,058,375) in view of SAPR3 (www.sap.com, 2003).

As to claim 6, Park discloses an enterprise management system, comprising:

a transaction manager to receive new revenue transactions posted by an organization (col. 22, lines 11-17 and col. 23, lines 7-12 and 36-47),

an Availability Control (AVC) manager, responsive to a new revenue transaction to execute an AVC rule represented by a control object, if the comparison fails a relationship defined by the AVC rule, causing the transaction manager to reject the new revenue transaction (col. 32, line 47 through col. 33, line 36, that shows summing of transaction data (previous and new); balancing principles as rules to determine whether a transaction is rejected; comparison with an income amount, i.e., revenue budget).

Park does not specifically show the AVC rule comparing previously posted-revenue and new revenue with a limit to how much revenue may be posted, and upon failure of a defined relationship, rejecting the transaction.

SAPR3 teaches an AVC rule that compares postings with previous postings to ensure a budget is not exceeded, and checks on posting feasibility, and blocking transactions (pgs. 37, 83 and 84, showing spending rules and tolerances, and a revenue management example, applicable also to income rules). SAPR3 further asserts the use of availability control (pg. 37) to monitor revenues budget (pg. 46, and see example with relation to a budget and income (pg 78).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention disclosed in Park by the teaching of SAPR3 in order to monitor and control revenue budgets.

As to claim 7, Park and SAPR3 discloses all elements of claim 6. Park further shows an AVC ledger comprising a database storing control objects and aggregations of revenue postings that are operands to the control objects, the aggregations generated for executing the AVC rule (col. 35, lines 1-9).

The recitation "the aggregations generated for executing the AVC rule" constitutes nonfunctional descriptive material, and has not been given patentable weight. The reason for aggregation does not change the overall functionality of the system. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381,

1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 10-13, 15-19 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by SAPR# (www.sap.com, 2003).

As to claim 10, SAPR3 discloses an Availability Control (AVC) method, comprising:

responsive to a proposed postings of revenue, determining whether the revenue calculation for any control objects addresses the proposed posting (pgs. 35, 37, 83-4, showing spending rules and tolerances, and a revenue management example, applicable also to income/revenue rules);

executing AVC rules for each identified control object, the AVC rules testing whether the proposed postings of revenue would exceed revenue limits for the control object (pgs. 37, 83-4, showing spending rules and tolerances, and a revenue management example, applicable also to income rules), and

if any AVC rule is violated by the posting and if the AVC rule identifies an error as a response thereto, blocking the posting from being admitted (pgs. 31, 37 and 83,

identifying tolerances that initiate error messages and setting of rules that identify when these messages will occur).

As to claim 11, SAPR3 discloses all elements of claim 10. SAPR further discloses executing comprising:

generating a postings operand from an aggregation of previously-admitted postings values addressed by the control object (pg. 83, showing exceeding a budget and getting an error message, indicating that a previous amount is summed); and

determining whether the postings operand satisfies a test relationship specified for the control object (pg. 83, showing the budget amount and other relationships that can be configured).

As to claim 12, SAPR3 shows all elements of claim 10. SAPR3 further discloses executing comprising:

generating a postings operand from an aggregation of previously-admitted postings values addressed by the control object and from a new revenue posting value (pg. 83, showing exceeding a budget and getting an error message, indicating that a previous amount is summed and a new amount is added, said sum being greater than a budget amount), and

determining whether the postings operand satisfies a test relationship specified for the control object (pg. 83, showing the budget amount relationship and other relationships that can be configured).

As to claim 13, SAPR3 discloses all elements of claim 12. SAPR3 further discloses storing the postings operand in a ledger storage device associated with the

control object (pgs. 78-79, showing mapping of cost information and transactions to ledger).

As to claim 15, SAPR3 discloses all elements of claim 10. SAPR3 further discloses performing the determining, the executing and, if necessary the blocking for each of a plurality of AVC rule sets in an enterprise management system (pgs. 31, 37, 83-4, showing spending rules and tolerances, and a revenue management example, applicable also to income rules and identifying tolerances that initiate error messages and setting of rules that identify when these messages will occur).

As to claim 16, the limitations of claim 16 closely parallel claim 10 and therefore are rejected under the same rationale. Claim 10 is directed toward method steps and claim 16 is directed toward a computer means for accomplishing those method steps as set forth in claim 10.

As to claim 17, SAPR3 discloses all elements of claim 16. The additional limitations of claim 17 closely parallel claim 11 and therefore are rejected under the same rationale, as being unpatentable over SAPR3. Claim 11 is directed toward method steps and claim 17 is directed toward a computer means for accomplishing those method steps as set forth in claim 11.

As to claim 18, SAPR3 discloses all elements of claim 16. The additional limitations of claim 18 closely parallel claim 12 and therefore are rejected under the same rationale, as being unpatentable over SAPR3. Claim 12 is directed toward method steps and claim 18 is directed toward a computer means for accomplishing those method steps as set forth in claim 12.

As to claim 19, SAPR3 discloses all elements of claim 16. The additional limitations of claim 19 closely parallel claim 13 and therefore are rejected under the same rationale, as being unpatentable over SAPR3. Claim 13 is directed toward method steps and claim 19 is directed toward a computer means for accomplishing those method steps as set forth in claim 13.

As to claim 21, SAPR3 discloses all elements of claim 16. The additional limitations of claim 21 closely parallel claim 15 and therefore are rejected under the same rationale, as being unpatentable over SAPR3. Claim 15 is directed toward method steps and claim 21 is directed toward a computer means for accomplishing those method steps as set forth in claim 15.

Response to Arguments

11. Applicant's arguments with respect to claims 6, 7, 10-13, 15-19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol See whose telephone number is (571)272-9742. The examiner can normally be reached on Monday - Thursday 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon, can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/

Art Unit: 3696

Primary Examiner, Art Unit 3696

Carol See
Patent Examiner
Art Unit 3696